

Page 22

1 there, 1999 forward, there had never been a female there  
 2 on the operations side, right?  
 3 A. Correct.  
 4 Q. Now, as a Turbine Operator and as a Senior  
 5 Operator, did you have specified cleaning assignments?  
 6 A. Yes, sir.  
 7 Q. And those were your duties to perform,  
 8 right?  
 9 A. Yes, sir.  
 10 Q. And would you agree with me that you could  
 11 not pass those duties onto a trainee?  
 12 A. No, sir.  
 13 Q. That's true, right?  
 14 A. What's true?  
 15 Q. That for example, you cannot tell a trainee  
 16 with regards to your cleanup assignments, "Listen. You  
 17 go do my assignment."  
 18 A. That's not true.  
 19 Q. You could do that?  
 20 A. You could do that. Absolutely.  
 21 Q. You could do that with regards to any  
 22 cleaning assignments that you had, right?  
 23 A. Yes, sir.  
 24 Q. Okay. Certainly you did that with Juanita,  
 25 right? You would tell her on occasion, "Hey, listen. I

Page 23

1 want you to go do that cleaning assignment," right?  
 2 A. Yes, sir.  
 3 Q. Now, during the time Ms. Garcia was in the  
 4 Ops Tech Trainee I position, were you training anyone  
 5 else?  
 6 A. I don't remember.  
 7 Q. All right. How about Damon Ben?  
 8 A. I'm -- I imagine.  
 9 Q. You just -- well, I don't want you to guess  
 10 or speculate. I don't want you to just agree with me to  
 11 agree with me. I mean, were you training Damon Ben?  
 12 A. Well, I train everybody there when I can at  
 13 all times. Just like I want them to train me. In other  
 14 words, we're all operators and we're trying to better  
 15 each other's understanding of the plant. So Juanita was  
 16 treated exactly like all the other trainees or Ops people  
 17 that come in.  
 18 Q. So the training environment was everybody  
 19 helps everybody else out, right?  
 20 A. That's, to me, ideal.  
 21 Q. Well, is that what it was?  
 22 A. I -- that's what it was to me, I --  
 23 Q. All right.  
 24 A. -- can't speak for other people.  
 25 Q. And you know as you sit here today, that

Page 24

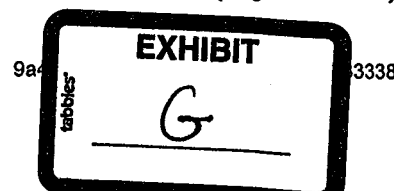
1 Juanita had complained that she was not being  
 2 appropriately trained, right?  
 3 A. I'm sorry. Rephrase or resay that again.  
 4 Q. Okay. I can say it a different way, maybe  
 5 you'll understand. Did anyone ever come to you,  
 6 Mr. Click, and indicate to you that Juanita was concerned  
 7 or had reported or had complained that she was not being  
 8 appropriately trained?  
 9 A. I don't remember a specific time when she  
 10 said, you know, she said it. But I know that I have  
 11 heard her complain -- or heard people saying or -- that's  
 12 what I'm trying to remember, a specific time, if that's  
 13 what you're asking. Are you asking a specific time I  
 14 remember?  
 15 Q. No. If you will listen to my question.  
 16 A. Okay. I'm sorry.  
 17 Q. Let me try it again. My question to you,  
 18 Mr. Click is, at any point in time did anyone ever come  
 19 to you to report or to advise you or notify you that  
 20 Juanita Garcia had a concern that she was not being  
 21 appropriately trained?  
 22 A. I would say yes.  
 23 Q. Who came to you to say that?  
 24 A. I don't remember. What I was trying to  
 25 remember, a specific time. But I know that's, you know,

Page 25

1 been talked about but I don't know who.  
 2 Q. Was it more than one person?  
 3 A. I don't remember.  
 4 Q. Are you on any medication today that would  
 5 affect your ability to recall?  
 6 A. No.  
 7 Q. The -- and did that happen on more than one  
 8 occasion where somebody came to you to -- to tell you  
 9 about that, that Juanita was concerned or had complained  
 10 that she wasn't being appropriately trained?  
 11 A. I don't remember.  
 12 Q. All right. Did -- did -- is it your  
 13 testimony that Juanita never told you that?  
 14 A. Like I said, I don't remember if she said  
 15 that or not.  
 16 Q. After you heard this did you do anything to  
 17 change or modify or alter the training that you were  
 18 giving to Juanita?  
 19 A. Other than try to continue training as I  
 20 had, or -- oh. I do remember a case where she wanted  
 21 more notes or something at Bluffview. And I gave her  
 22 every note I had.  
 23 Q. Uh-huh.  
 24 A. And so I do remember that.  
 25 Q. Okay. My question to you was, after you

7 (Pages 22 to 25)

PAUL BACA PROFESSIONAL COURT REPORTERS



3338

Page 38

1 Miller. If you will turn to -- yeah, you're on the right  
 2 page there.  
 3 A. Okay.  
 4 Q. And what I want you to do is I just want you  
 5 to read all those different incidents in the week of  
 6 8/17/09, 8/24/09. You see where I'm referring to?  
 7 A. Uh-huh.  
 8 Q. I just want you to read those and then I'm  
 9 going to ask you a question. Let me know when you're  
 10 done.  
 11 A. Okay.  
 12 Q. Now, with regards to those different  
 13 incidents, one, two, three, four, five, six that are  
 14 listed there, were you the person that made any of those  
 15 reports?  
 16 A. I don't remember. I may have been.  
 17 Q. With regards to which ones might you have  
 18 been?  
 19 A. I know specifically I overheard her speaking  
 20 disparagingly of me on the public Gaitronic system.  
 21 Q. What did she say?  
 22 A. Just a bunch of negative things and said it  
 23 to Julie Cynova on the --  
 24 Q. Are you saying that was sometime in August  
 25 of 2009?

Page 39

1 A. I don't remember when it was. That sounds  
 2 about right.  
 3 Q. And what did she say?  
 4 A. I don't remember other than it was very  
 5 negative and spiteful in nature and shocking to me. I  
 6 heard somebody call on Gaitronic and I was out making the  
 7 rounds so I didn't know who. I thought they were calling  
 8 me. When I picked up the phone to say hello, I overheard  
 9 her talking to Julie about me.  
 10 Q. You'll see right at the bottom it has a  
 11 number.  
 12 A. Okay.  
 13 Q. If you will go to 254. And you'll see this  
 14 is a 7/28/10 memo to file, Richard Miller, regarding a  
 15 complaint you made about Ms. Garcia's perfume, right?  
 16 A. Yes.  
 17 Q. And your complaint was that it was too  
 18 strong an odor, right?  
 19 A. Correct.  
 20 Q. And you went to Miller and told him about  
 21 it, right?  
 22 A. I'm sorry, say that again.  
 23 Q. You went to Miller and told him about it.  
 24 A. I was trying to read this. Yes.  
 25 Q. And what did Miller say to you?

Page 40

1 A. I don't remember.  
 2 Q. And it was so strong that it was  
 3 uncomfortable for you?  
 4 A. Correct.  
 5 Q. And you were in a car; is that right?  
 6 A. Yes. It -- it was going -- every day at the  
 7 plant it was very strong and it was troubling, but we  
 8 just kind of bore with it. You know, certainly didn't  
 9 want to offend her or anything, just wanted a nice place  
 10 to work. But when I had to drive out to Navajo with her  
 11 it was kind of cold outside so the windows were up and it  
 12 was very strong. And I just asked if she could -- in a  
 13 polite manner -- if she could back off on the perfume.  
 14 Q. Well, how cold does it get in Farmington,  
 15 Mr. Click, in late July?  
 16 A. I don't know.  
 17 Q. Yeah. Now, at this point --  
 18 A. Yeah, I thought it was in the wintertime.  
 19 Q. Yeah.  
 20 A. We had the windows up for some reason. Oh,  
 21 we had the air conditioner on, I guess.  
 22 Q. Yeah, maybe. The -- would you consider this  
 23 to be a petty complaint, running to your supervisor to  
 24 complain about a coworker wearing perfume?  
 25 A. No. Because like I said, it was so bad at

Page 41

1 the plant for a long time that everybody, all the  
 2 operators were affected by it. I know it made us hard to  
 3 breathe basically. It was that strong.  
 4 Q. Well, actually sir, Ms. -- because you told  
 5 Ms. Garcia that there were other operators that were  
 6 concerned about how strong her perfume was, didn't you?  
 7 A. I told other operators?  
 8 Q. No, you told her that. There were other  
 9 operators --  
 10 A. Oh, I may have.  
 11 Q. And actually one of those operators that you  
 12 mentioned by name was Willie Taylor, right?  
 13 A. I don't remember.  
 14 Q. And do you recollect having a conversation  
 15 where it's you, Ms. Garcia and Willie Taylor and Willie  
 16 Taylor saying, "Hey, listen. I never told Audie Click  
 17 that?"  
 18 A. I don't remember that.  
 19 Q. Did you ever make another complaint about  
 20 Ms. Garcia wearing her perfume?  
 21 A. No.  
 22 Q. Did she quit wearing it?  
 23 A. Yes, sir.  
 24 Q. Let me hand you what I'm going to Mark as  
 25 Exhibit No. 1 to your deposition.

11 (Pages 38 to 41)

Page 66

1 **Q. And you actually went through diversity**  
2 **training, didn't you?**

3 A. Yes, sir.

4 **Q. Have any employees ever come to you to**  
5 **complain to you about Ms. Garcia?**

6 A. Yes.

7 **Q. Who?**

8 A. I -- I guess I don't know how to respond to  
9 that. Lots. And I don't remember all of them. But I  
10 can just try to recall what I can or ...

11 **Q. Yeah. I'm interested in what you know.**

12 A. I think pretty much everybody has.

13 **Q. Everybody that's employed in the Generation**  
14 **Division of the City of Farmington has complained to you**  
15 **about Ms. Garcia, right?**

16 A. I would say of the senior -- the Tech II  
17 Operators that have, you know, worked with her or trained  
18 with her have -- have complained. And I've, you know, I  
19 don't know that I'd say they came to me specifically.  
20 But like in the control room, you know how people talk.  
21 And so it -- I heard people say, you know, that they had  
22 complaints about her.

23 **Q. And what were the nature of the complaints?**

24 A. Well, everything from, you know, not  
25 performing her job duties correctly.

Page 67

1 **Q. What else?**

2 A. Not "getting it," as you were doing earlier,  
3 not understanding how to operate the plant properly.

4 **Q. What else?**

5 A. I think that sums it up. But you know, it's  
6 a lot of things about those things.

7 **Q. Yeah. But see, whenever you throw --**  
8 **whenever you throw that as a kicker, "a lot of things**  
9 **about those things," I'm going to ask you what things?**

10 MS. OLMOS: Object to the form of the  
11 question.

12 **Q. (BY MR. MOZES) What things related to those**  
13 **categories specifically?**

14 A. Well, knowing how to start or stop the  
15 units, knowing how to keep the temperatures at the  
16 appropriate levels. You know, knowing how to just  
17 operate the plant, basically. What things that you  
18 should be concerned of as an operator and then what  
19 things are not so important that you have to be as  
20 concerned.

21 **Q. As you sit here today do you believe that**  
22 **she is -- that as an Ops I that Juanita Garcia is not**  
23 **qualified?**

24 A. You're asking me what I think?

25 **Q. Yeah.**

Page 68

1 A. Yeah, I don't -- I think she still doesn't  
2 understand how to run the plant good enough in my  
3 estimation to be on shift by herself.

4 **Q. Right. Now, did you ever accuse her of**  
5 **turning off the circulating water pump?**

6 A. I don't remember --

7 **Q. Okay.**

8 A. -- doing that.

9 **Q. Have you ever been disciplined for your job**  
10 **performance?**

11 A. No, sir.

12 **Q. Do you ever make mistakes?**

13 A. Yes, sir.

14 **Q. And did you ever say to Ms. Garcia that she**  
15 **was stupid?**

16 A. No, sir.

17 **Q. Would you agree with me that that kind of**  
18 **reference to another employee in the workplace is**  
19 **inappropriate?**

20 A. Absolutely.

21 **Q. Did you ever tell Ms. Garcia that she always**  
22 **makes the same stupid questions?**

23 A. I told her to stop asking stupid questions.

24 **Q. Did you ever make a restroom cleaning**  
25 **assignment sign-in sheet for Juanita to fill out?**

Page 69

1 A. Nope. But we had one. I think Richard made  
2 it or somebody and it was put up there.

3 **Q. Was that at Animas?**

4 A. Yes, sir.

5 **Q. At some point in time was there conversation**  
6 **among the other operators where there was kind of a**  
7 **betting pool as to whether Juanita would pass the test or**  
8 **not?**

9 A. Not to my knowledge.

10 MR. MOZES: Just give me a minute. I may be  
11 done.

12 (Break from 11:51 to 11:55.)

13 MR. MOZES: Those are all the questions I  
14 have.

15 MS. OLMOS: I just have one.

16 \* \* \*

17 EXAMINATION

18 BY MS. OLMOS:

19 **Q. Mr. Click, do you know whether if the plant**  
20 **trips when somebody's doing their hands-on Ops Tech I**  
21 **test, does that mean they failed the hands-on portion of**  
22 **the test?**

23 A. Yes. It is my understanding that you're  
24 allowed two tries to put the plant on. And if the water  
25 goes high or -- referring to that 40 percent weighted

18 (Pages 66 to 69)